

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OSCAR ALFONZO ZAMORA,

Defendant.

CR-04-18-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT’S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 15, 2016. (Doc. 55.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston’s Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 13, 2016. (Doc. 50.) Zamora admitted that he violated conditions of his supervised release. The violations prove serious and warrant revocation of Zamora’s supervised release. Judge Johnston recommends that this Court revoke Zamora’s supervised release

and that the Court sentence Zamora to four months imprisonment with 56 months of supervised release to follow. (Doc. 55 at 5.)

Zamora's violation qualifies as a Grade C violation. He has a criminal history category of III. Zamora's underlying offense qualifies as a Class A felony. Zamora could be incarcerated for up to 60 months. Zamora could remain on supervised release for 60 months, less any custody time imposed. The United States Sentencing Guidelines call for five to 11 months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Zamora's violations of his conditions represent a serious breach of the Court's trust. A sentence of four months of custody with 56 months of supervised release to follow represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 55) is **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Oscar Alfonzo Zamora be sentenced to four months imprisonment. Zamora shall serve 56 months of supervised release following his custody term.

DATED this 28th day of April, 2016.



Brian Morris
United States District Court Judge